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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,700	12/02/2004	Tomonao Kawashima	OOCL-188 (PC-P1821US)	6889
26479	7590	12/11/2008		
STRAUB & POKOTYLO			EXAMINER	
788 Shrewsbury Avenue			BOR, HELENE CATHERINE	
TINTON FALLS, NJ 07724				
			ART UNIT	PAPER NUMBER
			3768	
			MAIL DATE	DELIVERY MODE
			12/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/516,700

**Applicant(s)**

KAWASHIMA ET AL.

**Examiner**

HELENE BOR

**Art Unit**

3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-8,12-19,21,22,24-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-8,12-19,21,22,24-26 and 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/2008 has been entered.

### ***Acknowledgement for Invoking 35 USC § 112, Sixth Paragraph***

2. For the record, the examiner acknowledges the applicant for invoking 35 USC § 112, Sixth Paragraph, which states:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

As such, the claim limitations are being treated under 35 U.S.C. 112, sixth paragraph.

However, if a claim limitation does not use the phrase "means for" or "step for," the examiner will not treat such a claim limitation under 35 U.S.C. 112, sixth paragraph.

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The rejection of Claim 1, 3-4, 6-8, 12-14, 17, 19, 21-22, 24-26 & 28-32 under 35 U.S.C. 102(e) as being anticipated by Strommer et al. (US Patent Application No. 2002/0049375 A1) is hereby maintained.

***Claim Rejections - 35 USC § 103***

3. The rejection of Claim 15-16 & 18 under 35 U.S.C. 103(a) as being unpatentable over Strommer et al. (US Patent Application No. 2002/0049375 A1) as applied to claim 1, 3-4, 6-8, 12-14, 17, 19, 21-22, 24-26 & 28-32 above, and further in view of Tanaka (US Patent No. 5,680,865) is hereby maintained.

***Response to Arguments***

4. The Examiner notes that no new amendments to the claims or Remarks were submitted with the Continued Examination filed 11/12/2008. Thus the Examiner maintains the rejection and responds response to Remarks submitted 10/10/2008. The Applicant submitted arguments that Strommer only teaches displaying a plurality of three-dimensional images, not a plurality of two-dimensional images along a scan path of an image detector. Strommer teaches using a two dimensional image acquisition device that is capable of taking tomographic parallel images [computerized tomography or PET] (Page 7, Para 101). Those images are then displayed on display via window (Figure 20, Element 784). Element 784 is displayed in three dimensions but is essentially the reconstruction of two-dimensional tomographic images and thus the Examiner deems within the scope of the claims. The Examiner notes that the claims make no reference to only or specifically two-dimensional display of the tomographic parallel images. Further, Strommer teaches the displaying the tomographic image (Figure 20, Element 786) which is disclose to be like Element 734 of Figure 16B (Page 19, Para 19). Element 734 is disclosed as a real time two-dimensional navigation image (Page 17, Para 0240). Both types of images are available on the screen as to

compare them (Figure 20). The Applicant presented the argument that Strommer did not anticipate Claim 19 with regards to the "auxiliary image creating means". The Examiner respectfully disagrees. Strommer teaches the auxiliary image creating means [starting point] (Page 21, Para 0285-0292). The rejection is deemed proper and is hereby maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENE BOR whose telephone number is (571)272-2947. The examiner can normally be reached on M-T 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. B./  
Examiner, Art Unit 3768

/Eric F Winakur/  
Primary Examiner, Art Unit 3768